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RUEHLO/AMEMBASSY LONDON PRIORITY 3641
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0808
RUEHNY/AMEMBASSY OSLO PRIORITY 3728
RUEHOT/AMEMBASSY OTTAWA PRIORITY 1037
RUEHKO/AMEMBASSY TOKYO PRIORITY 2808
RUEHCG/AMCONSUL CHENNAI PRIORITY 7560
RUEHBI/AMCONSUL MUMBAI PRIORITY 5262
RUEHON/AMCONSUL TORONTO PRIORITY 0161
RUEHLMC/MILLENNIUM CHALLENGE CORPORATION PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 1939
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000511

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DEPARTMENT FOR SCA/INS AND DRL DAS BARKS-RUGGLES
MCC FOR S GROFF, D NASSIRY, E BURKE AND F REID

E.O. 12958: DECL: 03/29/2017

TAGS: PREL EAID PHUM PGOV PTER MOPS CE

SUBJECT: SRI LANKA: FOREIGN MINISTER PROMISES
ACCOUNTABILITY ON HUMAN RIGHTS

REF: A) COLOMBO 463 B) COLOMBO 439

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Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b, d).

11. (C) SUMMARY: Foreign Minister Bogollagama called in Ambassador on March 29 to request Embassy cooperation in overcoming human rights-based concerns about Sri Lanka's eligibility for a Millennium Challenge Compact. Ambassador explained that MCC eligibility is based on a country's governance record, and that several governance trends in Sri Lanka are negative. He noted that the Embassy has made concrete suggestions over the last few months as to what the GSL needs to do to reverse these trends. Ambassador urged that the GSL take steps to address the long list of abduction cases that we recently provided to the Presidential Secretariat. Bogollagama promised action. In addition,

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Bogollagama noted that he had met Defense Secretary Gotabaya Rajapaksa earlier in the day to discuss measures to ensure that arrests are made in a transparent manner. The Ambassador welcomed this, but said we remain concerned about intimidation of journalists who criticize the government. Ambassador emphasized the need for action, not spin. He said that if the GSL makes real progress in human rights it would help Sri Lanka's case for MCC eligibility, and committed to helping get the message to Washington if this were the case. END SUMMARY.

12. (C) In a meeting with Ambassador on March 29, Foreign Minister Rohitha Bogollagama noted that the question of a Millennium Challenge Compact had been under discussion between the U.S. and Sri Lanka for two years, and had figured in a number of bilateral visits, most recently, his meeting in Washington with Secretary Rice. He thought that the

concern expressed by Congress in placing a hold on further study of the proposed compact probably did not reflect the state of relations between the two countries. It also did not take account of steps the GSL has taken to address the concerns of the international community on human rights. Bogollagama said that it was his understanding, based a recent meeting between Sri Lankan Ambassador Goonetilleke and SCA PDAS Steven Mann, that the U.S. State Department shared Congress's concerns, but did not support a suspension of the Compact.

¶3. (C) Bogollagama noted that he was primarily responsible for representing Sri Lanka to the international community, and therefore had to be accountable to Sri Lanka's foreign friends on human rights questions. He reported that he had held a meeting earlier that day with Defense Secretary Gothabaya Rajapaksa and Ministry of Human Rights officials to talk about the problem of disappearances. He told us that this group had decided to take concrete steps to ensure accountability in arrests and detentions, and to institutionalize its own meetings. He planned to make himself available to foreign partners ("Washington, Delhi London, Berlin, Brussels...") to account for the GSL's actions. He complained that at the moment, "nothing seemed to be working on a positive agenda" in Sri Lanka's bilateral relations with its partners. He added that Sri Lanka felt it had "not been lacking in responding to U.S. interests."

¶4. (C) Bogollagama said that the Ministry of Human Rights would soon issue a declaration, and the Defense Ministry would issue a directive to its commanders setting forth conditions for arrests and detentions:

- The arresting officers are to identify both themselves and the person arrested or detained.
- The arresting officers are to inform the arrestee of the reason for his detention.
- A certificate of fact documenting the arrest is to be

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furnished to the family or counsel of the detainee.

-- The arrestee will have the right to contact his family or counsel.

-- Arresting officers will record a statement by the arrestee at the time of detention.

-- The Human Rights Commission is to have access to any facility on the territory of Sri Lanka where people are detained, and to any arrestee or detainee.

-- A court is to be informed of the detention within 48 hours.

¶5. (C) Bogollagama said he was aware that the international community was highly critical of some high-profile cases where the government had not taken action, but that there were perhaps reasons for this, such as lack of access to LTTE-controlled areas. However, he said he would try to highlight cases in which, for example, disciplinary action had been taken against members of the security forces.

¶6. (C) Bogollagama noted that the activities of the Karuna group were a big factor in foreign governments' assessments of the situation in Sri Lanka. Clearly referring to a new report by Human Rights Watch, he said he had seen accounts of armed child soldiers on guard duty outside Karuna group facilities and had asked the Defense Secretary to explain.

¶7. (C) Ambassador responded that he was not familiar with the exact reasons for the Congressional hold on further study of the Millennium Challenge Compact, but that MCC representatives hoped to meet soon with the relevant members of Congress and staff to hear their concerns. The Ambassador noted that the Millennium Challenge Corporation had been set up as an independent body. Its purpose was to reward good governance. While Sri Lanka had qualified for a compact, the problem was that for the past year there had been a notable downward trend in important indicators.

¶8. (C) Ambassador explained candidly that one important

issue was that none of the long-standing problems, including cases of extrajudicial killings and disappearances, ever seemed to get properly investigated or resolved. It was therefore difficult to rule out bad faith or political interference in these investigations. Ambassador noted that he and other U.S. officials had consistently pressed the GSL to investigate those cases and punish those responsible, but that little had happened. He added that he had given the President's Chief of Staff, Lalith Weeratunga, a list of 247 disappearances (ref a). He hoped that the government would soon be able to account for some of these. Bogollagama said he had discussed the Embassy's list with Defense Secretary Rajapaksa earlier in the day. Foreign Secretary Kohona noted that the explanation for many of these cases was that the people listed as missing were in detention. Ambassador replied that that in itself would be a great relief to the families of the disappeared, some of whom feared that their relatives were dead.

¶9. (C) Ambassador noted that other governance issues of concern included the intimidation of the media, especially Tamil media, and the illegal activities of the Karuna group. Ambassador recounted that he and EU Head of Mission Julian Wilson had given the Defense Secretary a paper enumerating a series of incidents in which Western NGOs had come under direct pressure from the Karuna group in the East (ref b).

¶10. (C) However, the most important thing the government could do to address its problems with the international community, the Ambassador said, would be to present a genuine power-sharing proposal to restart a constructive dialogue with Sri Lanka's minorities. This would be an enormous step forward. Bogollagama observed that there had been a

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considerable delay in the governing Sri Lanka Freedom Party putting forward its concepts. Foreign Secretary Palitha Kohona noted that the SLFP proposal would be forthcoming very soon, perhaps "today or tomorrow." The President would want it on the table when he attended the SAARC summit next week, Kohona said.

¶11. (C) Ambassador said that he was eager to work with Bogollagama to convey to Washington and to other partners that the government was addressing its problems. "But it has to be real, it can't be spin." He said that Congress would quickly figure out whether the GSL was offering concrete actions or simply a new public relations effort. He congratulated Bogollagama for the steps he was encouraging to restore accountability. If real progress was forthcoming, Ambassador pledged, then he would commit to helping the Foreign Minister get that message out.

¶12. (C) COMMENT: It should become clear relatively quickly whether the Foreign Ministry's initiative on detentions brings a real improvement, or is simply an exercise in damage control. Bogollagama will need to bring powerful figures such as Defense Secretary Gothabaya Rajapaksa along in order to keep his commitment to make a positive difference. If the arrests and detentions of suspects under the government's emergency regulations were transparent and accountable, that in itself would be an important step forward. We are encouraged that at least part of the government seems to have realized how much the allegations of human rights abuses are hurting them. Embassy will be vigilant over the next several weeks to see if the changes Bogollagama is promising are genuine, or simply cosmetic.

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